

AL-15-000-8368

JOHN MCCAIN  
ARIZONA

COMMITTEE ON ARMED SERVICES  
COMMITTEE ON FOREIGN RELATIONS  
COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS  
COMMITTEE ON INDIAN AFFAIRS

## United States Senate

April 17, 2015

Mr. Arvin Ganesan  
Associate Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW Room 3246 ARN  
Washington, DC 20460-0001

Dear Mr. Ganesan,

Refer to: GlobalEx USA

I wish to bring to your attention a matter concerning my constituent, Jacqueline Kemper, who has encountered a problem with the pending EPA pesticide registration for GlobalEx's products. Please investigate my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with a copy of the final decision. MARK ALL CORRESPONDENCE TO:

Attn: Meghan Kielty  
Office of Senator John McCain  
2201 E. Camelback Road  
Suite 115  
Phoenix, Arizona 85016

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (602) 952-2410. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain  
United States Senator

JM/xmk

241 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-0303  
(202) 224-2235

2201 EAST CAMELBACK ROAD  
SUITE 115  
PHOENIX, AZ 85016  
(602) 952-2410

122 NORTH CORTEZ STREET  
SUITE 108  
PRESCOTT, AZ 86301  
(928) 445-0833

407 WEST CONGRESS STREET  
SUITE 103  
TUCSON, AZ 85701  
(520) 670-8334

TELEPHONE FOR HEARING IMPAIRED  
(602) 952-0170

## **PRIVACY ACT CONSENT FORM**

DATE April 17, 2015

### **To Whom It May Concern:**

In accordance with the provisions of Public Law 93-579 (The Privacy Act of 1974), I hereby give my consent for information concerning my file to be furnished to my Senator, John McCain. I request that any relevant information he may require in order to assist in responding to my inquiry, as his constituent, be provided to him in accordance with the provisions of the law.

FULL NAME: Jacqueline M Kemper

COMPLETE ADDRESS: 13601 S 44th St, #1090, Phoenix, AZ 85044

EMAIL: JKEMPER@GLOBALEXUSA.COM

PHONE (DAY): 480-324-6413 (NIGHT): 480-324-6413

OTHER NAMES RELATING TO YOUR CASE: Alexander Benisti, Chairman & CEO  
GlobalEx USA Inc.

Government Agency Involved: EPA, Pesticide Registration

Social Security Number: ~~722-88-8888~~

Date and Place of Birth: 02/25/1967, Oregon City, OR

\*(For OPM) Civil Service Claim Number: \_\_\_\_\_

\*(For IRS) Tax Return Year(s) in Question: \_\_\_\_\_

\*(For VA/MILITARY) Veteran Claim Number: \_\_\_\_\_

Military Service Number: \_\_\_\_\_

Branch of Service and Rank: \_\_\_\_\_

*\*If applicable for Office of Personnel Management, Internal Revenue Service, or Veterans Affairs/Military cases*

*I affirm that by my signature I am attesting to the truth of all the above:*

SIGNATURE (required): Jacqueline M. Kemper

For office use only. Third party name: \_\_\_\_\_

OFFICE AIDE INITIALS: (W) \_\_\_\_\_

SEND FORM AND WRITTEN STATEMENT REGARDING THE DETAILS OF YOUR SITUATION TO:  
Senator John McCain, 2201 East Camelback Road, Suite 115, Phoenix AZ 85016 or Fax to 602-952-8702  
or email to [casework@mccain.senate.gov](mailto:casework@mccain.senate.gov)

**Kielty, Meghan (McCain)**

**From:** SENDER VALIDATION FAILED --- May not have originated from apparent sender <jkemper@globalexusa.com>  
**Sent:** Thursday, April 16, 2015 1:50 PM  
**To:** Kielty, Meghan (McCain)  
**Subject:** (SENDER VALIDATION FAILED --- May not have originated from apparent sender ) Re: Request from GlobalEx USA Inc.  
**Attachments:** EPA fast-track ADEQ request to Demson Fuller.docx; EPA fast-track ADEQ request to Lance Wormell.docx; EPA fast-track ADWR request to Demson Fuller.docx; EPA fast-track ADWR request to Lance Wormell.docx; EPA fast-track request to Demson Fuller.docx; EPA fast-track request to Lance Wormell.docx; Conversations with EPA and GlobalEx USA.docx

Dear Ms. Kielty,

Good afternoon, Meghan.

We had the opportunity to meet and discuss GlobalEx USA, October 31, st 2014. At that time, we agreed a letter from the desk of Senator McCain to Mr. Demson Fuller, EPA Program Manager and Team Leader and his supervisor Mr. Lance Wormell, registering our products GlobalEx USA Cleantab #91399-R and GlobalEx USA Oxytab #91399-E would greatly benefit our company in fast tracking the process.

I have attached letters drafted for the Governors office, AZDEQ and AZWR requesting fast tracking GlobalEx USA. It is at this time, I am requesting a letter from Senator McCain, requesting similar action. GlobalEx USA is a "Me=Too" product which means it is significantly similar to a currently registered product, which EPA finished an edit for January 2015. Therefore, there is no reason for EPA to delay in the registration of our product. Included is also the discussion threads between EPA and myself, showing lack of communication and including where EPA states they will not assist us by answering our questions but instead to hire a consultant from their list of non-EPA consultants.

Please let me know what you require from me, in order to process our request.

Sincerely,

Jacqueline Kemper  
 Arizona Director of Operations  
 GlobalEx USA Inc.  
 w: 480-324-6413  
 fax: 866-381-5772  
 jkemper@globalexusa.com  
[www.globalexusa.com](http://www.globalexusa.com)



The contents of this e-mail message and any attachments are confidential and intended solely for the addressee. The information may be legally privileged. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail and delete this message and its attachments, if any.

03/30/2015

Demson Fuller  
Project Manager; Team 32 Leader  
Antimicrobials Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Fuller.Demson@epa.gov  
(703) 308-8062

Dear Mr. Fuller,

The Arizona Department of Environmental Quality would like to bring to your attention a company we have been informed of, which is pending EPA pesticide registration for its products; GlobalEx USA Cleantab (EPA # 91399-R) and GlobalEx USA Oxytab (EPA # 91399-E). We diligently look for solutions to our Environmental Quality issues we are faced with every day, here in Arizona. GlobalEx USA Inc.'s chlorine dioxide offers solutions to many of these issues.

GlobalEx USA Inc. has developed a safe, cleaner solution to many of the environmental issues we face here in Arizona. We look forward to a new, safe solution to brownfield remediation for contaminated soil, tanks and water. This is a product that I feel is a necessary resolution to future environmental projects in the Southwest and Arizona. The company also plans to bring many jobs to Arizona with the addition of a manufacturing plant.

I urge you to provide expedited processing within the Environmental Protection Agency's approval and registration process for GlobalEx USA. As GlobalEx USA Inc. is a "Me-Too" product registration with the "Me-Too" product recently (January 26<sup>th</sup>, 2015 EPA Registration Number: 89492-2) being amended by you, Mr. Fuller, I see no reason for delay in the registration process for GlobalEx USA Inc.

GlobalEx USA Inc. offers true solutions to our State's environmental quality needs and opportunities to the state of Arizona, however, without EPA registration, the company cannot move forward.

Respectfully,

[name]  
[title]  
Arizona Department of Environmental Quality  
[address]  
[email]  
[phone]

03/30/2015

Demson Fuller  
Project Manager; Team 32 Leader  
Antimicrobials Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Fuller.Demson@epa.gov  
(703) 308-8062

Dear Mr. Fuller,

The Arizona Department of Water Resources would like to bring to your attention a company we have been informed of, which is pending EPA pesticide registration for its products; GlobalEx USA Cleantab (EPA # 91399-R) and GlobalEx USA Oxytab (EPA # 91399-E). Of particular interest to us is GlobalEx USA Cleantab, for Water Quality issues we are faced with every day, here in Arizona. GlobalEx USA Cleantab chlorine dioxide comes in tablet form, allowing it to work efficiently without the burden of negative by-products released into the environment.

GlobalEx USA Inc. has developed a safe, cleaner solution to many of the water issues we face here in Arizona such as drinking, irrigation, effluent water treatment and treatment of cooling tower water. This is a product that I feel is a necessary resolution to future water quality needs for the Southwest and Arizona. The company also plans to bring many jobs to Arizona with the addition of a manufacturing plant.

I urge you to provide expedited processing within the Environmental Protection Agency's approval and registration process for GlobalEx USA. As GlobalEx USA Inc. is a "Me-Too" product registration with the "Me-Too" product recently (January 26<sup>th</sup>, 2015 EPA Registration Number: 89492-2) being amended by you, Mr. Fuller, I see no reason for delay in the registration process for GlobalEx USA Inc.

GlobalEx USA Inc. offers true solutions and opportunities to the state of Arizona, however, without EPA registration, the company cannot move forward.

Respectfully,

[name]

[title]

Arizona Department of Water Resources

[address]

[email]

[phone]

03/30/2015

Demson Fuller  
Project Manager; Team 32 Leader  
Antimicrobials Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Fuller.Demson@epa.gov  
(703) 308-8062

Dear Mr. Fuller,

I would like to bring to your attention a company we have been introduced to which is pending EPA pesticide registration for its products; GlobalEx USA Cleantab (EPA # 91399-R) and GlobalEx USA Oxytab (EPA # 91399-E). These products are an innovative formulation of chlorine dioxide developed by GlobalEx USA Inc. (Company #91399). This new formula of chlorine dioxide comes in tablet form, allowing it to work efficiently without the burden of negative by-products released into the environment.

GlobalEx USA Inc. has developed a safe, cleaner solution to many problems we face here in Arizona such as water treatment, air quality, soil remediation and food industry sanitation. This is a product that I feel is a necessary resolution to future environmental needs. The company also plans to bring many jobs to Arizona with the addition of their second manufacturing plant.

I urge you to provide expedited processing within the Environmental Protection Agency's approval and registration process for GlobalEx USA. As GlobalEx USA Inc. is a "Me-Too" product registration with the "Me-Too" product recently (January 26<sup>th</sup>, 2015 EPA Registration Number: 89492-2) being amended by you, Mr. Fuller, I see no reason for delay in the registration process for GlobalEx USA Inc.

The longer the State of Arizona waits for the availability of GlobalEx USA's products, the longer we suffer without a true resolution to our state's needs. GlobalEx USA offers real solutions and opportunities to the state of Arizona, however, without EPA registration, the company cannot move forward.

Respectfully,

[name]  
[title]  
[address]  
[email]  
[phone]

Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions  
From: jkemper@globalexusa.com  
Date: 2/2/15 11:06 am  
To: "Fuller, Demson" <Fuller.Demson@epa.gov>  
Cc: "Amber Wood" <awood@globalexusa.com>

Mr. Fuller,

Please let me know when I may schedule a conference call with you today, and our team, to go over our questions regarding the GlobalEx USA Inc. Chlorine Dioxide registration.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions  
From: jkemper@globalexusa.com  
Date: 1/30/15 1:39 pm  
To: "Fuller, Demson" <Fuller.Demson@epa.gov>

Mr. Demson,

Thank you for your prompt response. I would like to speak with you via phone and conference our Research and Development Director so he is better able to understand what is required of him, and the testing. Can we set that up for Monday?

My questions are abundant but begin with:

1. Can we use the MRID Studies from the EPA website without prior written consent from the author?
2. Does the Master Label have to have dosing for each individual application or can we refer each application to one dosing chart ?
3. Do we need to write a Master Label and individual Product Labels for each item we are requesting registration for or can we just do one Master Label which includes the information for all labels inclusively.

15-000-8368

2/3/2015  
Mr. Fuller,

I would like to know if we are under PRIA Antimicrobial New Product Registration - Identical End Use, PRIA 3 Fee Determination Decision Tree, Antimicrobial.

Under Action Code A530 it states "Unregistered source of active ingredient".

Our "Me-Too" application uses a company who is currently registered, and manufacturing from the Same Facility as we do.

The manufacturer is not registered with the EPA, does that put us at:

1. Registered source of active ingredient -  
as its the source is the same as a registered product.
2. Unregistered source of active ingredient -  
as the Factory is not listed with EPA. Only the company producing from it, and its products.

Thank you for your time. We are running out of time and jobs are going to be lost without the successful registration of our products. Please respond to my phone and email messages.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions

From: jkemper@globalexusa.com

Date: 2/3/15 3:14 pm

To: "Fuller, Demson" <Fuller.Demson@epa.gov>, Schaible.Stephen@epa.gov

Cc: carlisle.sharon@epa.gov, hobgood.sherada@epa.gov

Mr. Fuller,

Please respond to our questions below regarding registration.

Additionally, please let me know when I may speak with you on the phone regarding our registration. If you are unable to assist, please refer my company to someone who is able to do so.

I would also like to add to the 5 questions below (and I believe my staff has also attempted you contact you with additional questions)

6. I would like to discuss the fees and what we can expect to pay for registration for Chlorine Dioxide tablets under a Me-Too application.

Sincerely,

Jacqueline Kemper

15-000-8368

4. We are utilizing the Me-Too Application process for our Chlorine Dioxide tablets and need to know if the Me-Too products MSDS can be used in our citations? Do we need prior approval to do that, the MSDS is readily available for public use. My concern is the enthusiasm the Me-Too product may have in helping us become registered. Can they prevent us from using them as a Me-Too Product Registration as they will soon have a competitor.

5. EPA form 8570-36 Group B, Series 830-Physical and Chemical Properties (40 CFR 158.190) has a 3rd column for stating the source of all data.

We have used our Own NSF/ANSI Standard 60 certification and test results for most of this forms data. However, we did need to utilize other sources also.

What can be used (such as another companies MSDS or their EPA product registration documents) for this information and how would it be cited?

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions

From: "Fuller, Demson" <Fuller.Demson@epa.gov>

Date: 1/30/15 8:14 am

To: "jkemper@globalexusa.com" <jkemper@globalexusa.com>

Cc: "Schaible, Stephen" <Schaible.Stephen@epa.gov>

Hi Jacqueline,

This is to confirm that I received your message. Could please be more specific in regards to what questions you would like to have answered? What is the chemical you are proposing to register?

In addition, please see the attached document. It may be able assist you in your endeavors regarding pesticide registration.

Thanks!

Demson

From: jkemper@globalexusa.com [mailto:jkemper@globalexusa.com]  
Sent: Thursday, January 29, 2015 6:26 PM  
To: Fuller, Demson  
Subject: Re: GlobalEx Est. # 91399-FL-001 Registration Questions

Mr. Fuller,

I am in need of someone to answer my pesticide registration questions.

Please respond by replying or call 480-324-6413. My company is in immediate need of moving forward with registration and I do not have all the answers. I look forward to hearing from you.

Sincerely,

Jacqueline Kemper

2/6/2015

Jacqueline,

Thank you for your message. I spoke with Demson and he or a member of his team will be in touch to help provide guidance. That said, please understand that Demson and his team of four service hundreds of pesticide companies and receive a large number of inquiries similar to the one below. While we aim to provide accurate and timely responses, if the need is time sensitive, **you may consider employing the services of a consultant to develop and submit your application**, especially if this is the first time you are going through the pesticide registration process. **The following web site lists pesticide consultants:**

**[http://www.epa.gov/pesticides/biopesticides/regtools/biopesticide\\_consultants.htm](http://www.epa.gov/pesticides/biopesticides/regtools/biopesticide_consultants.htm). EPA does not make any recommendations for any of the companies listed, and I recommend contacting at least three references.**

Thanks,

Lance Wormell  
Chief, Regulatory Management Branch II  
Antimicrobials Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Wormell.Lance@epa.gov  
(703) 603-0523

From: Jacqueline Kemper [mailto:jkemper@globalexusa.com]  
Sent: Thursday, February 05, 2015 1:47 PM  
To: Wormell, Lance  
Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions

Mr. Wormell,

Good morning, Sir. I called, leaving a message and see both of us who called you have missed your call. I appreciate your response!

I was given Mr. Demson Fuller's name as a contact to answer our registration questions and have not received a response from daily calls and emails to him. My colleague has also attempted to reach him, with questions and was equally unsuccessful.

My company is in immediate need of answers, and the need to move forward with our registration process. I was told by Region 4 (our headquarters) and Region 9 (one of our establishments) that I could have my questions answered by calling your division. This has not been the case and it is causing great delays.

The following are some of the questions which were emailed to Mr. Fuller. Can you please call me, with the answers and guidance we require?

To brief you, my company number is 91399. We are a Chlorine Dioxide manufacturer with production currently in China and moving all production to the United States (Florida, Arizona and New York). The product has been used globally for 8

years and is New to the United States. We seek EPA Pesticide registration and currently have NSF/ANSI Standard 60, UL, GOST (Russia), EU (European Union) certifications and many test, efficacy, and toxicology tests. Given that, it should not be an enormous undertaking it has become, to be EPA certified as well.

Our questions included:

1. if we are under PRIA Antimicrobial New Product Registration - Identical End Use, PRIA 3 Fee Determination Decision Tree, Antimicrobial.

Under Action Code A530 it states "Unregistered source of active ingredient".

Our "Me-Too" application uses a company who is currently registered, and manufacturing from the Same Facility as we do.

The manufacturer is not registered with the EPA, does that put us at:

1. Registered source of active ingredient - as its the source is the same as a registered product.

2. Unregistered source of active ingredient - as the Factory is not listed with EPA. Only the company producing from it, and its products.

2. We would like to discuss the fees and what we can expect to pay for registration for Chlorine Dioxide tablets under a Me-Too application.

3. Can we use the MRID Studies from the EPA website without prior written consent from the author?

4. Does the Master Label have to have dosing for each individual application or can we refer each application to one dosing chart ?

5. Do we need to write a Master Label and individual Product Labels for each item we are requesting registration for or can we just do one Master Label which includes the information for all labels inclusively. Or do we submit only the individual labels as a mockup?

6. We are utilizing the Me-Too Application process for our Chlorine Dioxide tablets and need to know if the Me-Too products MSDS can be used in our citations? Do we need prior approval to do that, the MSDS is readily available for public use. My concern is the enthusiasm the Me-Too product may have in helping us become registered. Can they prevent us from using them as a Me-Too Product Registration as they will soon have a competitor.

7. EPA form 8570-36 Group B, Series 830-Physical and Chemical Properties (40 CFR 158.190) has a 3rd column for stating the source of all data.

We have used our Own NSF/ANSI Standard 60 certification and test results for most of this forms data. However, we did need to utilize other sources also.

What can be used (such as another companies MSDS or their EPA product registration documents) for this information and how would it be cited?

Those are my initial questions. Most of our paperwork is filled out and we just need to know where to go from here.

Steve, thank you for your time. We are running out of time and jobs are going to be lost without the successful registration of our products. I need assistance.

With Sincerity,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.

w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

3/16/2015

Hi Jacqueline,

Sorry for the delay. This is to confirm our earlier call. I have not received your package yet from front end processing. Hopefully it will come across my desk shortly.

Let me know if you have any further questions.

Demson

From: jkemper@globalexusa.com [mailto:jkemper@globalexusa.com]  
Sent: Saturday, March 14, 2015 2:19 PM  
To: Fuller, Demson  
Subject: RE: GlobalEx USA Inc. Company # 91399 Registration Status

Mr. Fuller,

I am inquiring on the registration approval status of GlobalEx USA Inc. Our company number is 91399. You have received the registration package.

How does a company check on the pending status of their product?

Thank you, for your time.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions  
From: jkemper@globalexusa.com  
Date: 2/3/15 3:29 pm  
To: "Fuller, Demson" <Fuller.Demson@epa.gov>, Schaible.Stephen@epa.gov  
Cc: "Amber Wood" <awood@globalexusa.com>, carlisle.sharon@epa.gov, hobgood.sherada@epa.gov

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Sincerely,

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Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
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jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

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Mr. Fuller,

Please let me know when I may schedule a conference call with you today, and our team, to go over our questions regarding the GlobalEx USA Inc. Chlorine Dioxide registration.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

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From: jkemper@globalexusa.com  
Date: 1/30/15 1:39 pm  
To: "Fuller, Demson" <Fuller.Demson@epa.gov>

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My questions are abundant but begin with:

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15-000-8368

What can be used (such as another companies MSDS or their EPA product registration documents) for this information and how would it be cited?

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772  
jkemper@globalexusa.com  
www.globalexusa.com

----- Original Message -----

Subject: RE: GlobalEx Est. # 91399-FL-001 Registration Questions  
From: "Fuller, Demson" <Fuller.Demson@epa.gov>  
Date: 1/30/15 8:14 am  
To: "jkemper@globalexusa.com" <jkemper@globalexusa.com>  
Cc: "Schaible, Stephen" <Schaible.Stephen@epa.gov>

Hi Jacqueline,

This is to confirm that I received your message. Could please be more specific in regards to what questions you would like to have answered? What is the chemical you are proposing to register?

In addition, please see the attached document. It may be able assist you in your endeavors regarding pesticide registration.

Thanks!

Demson

From: jkemper@globalexusa.com [mailto:jkemper@globalexusa.com]  
Sent: Thursday, January 29, 2015 6:26 PM  
To: Fuller, Demson  
Subject: Re: GlobalEx Est. # 91399-FL-001 Registration Questions

Mr. Fuller,

I am in need of someone to answer my pesticide registration questions.

Please respond by replying or call 480-324-6413. My company is in immediate need of moving forward with registration and I do not have all the answers. I look forward to hearing from you.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
w: 480-324-6413  
fax: 866-381-5772

jkemper@globalexusa.com  
www.globalexusa.com

Email: jkemper@globalexusa.com

Your application dated 01/30/2012 for a New Registration, CLEAN TAB, 91399-R has been received by EPA's Office of Pesticide Programs.

Receipt number assigned: 965650  
EPA receipt date: 03/17/2015

If this submission is not subject to PRIA, this will be your last automated notification related to this submission.

-----  
This is an automated email; please do not try to respond.

Email: jkemper@globalexusa.com

Your application dated 01/29/2015 for a New Registration, OXYLAB, 91399-E has been received by EPA's Office of Pesticide Programs.

Receipt number assigned: 965651  
EPA receipt date: 03/17/2015

If this submission is not subject to PRIA, this will be your last automated notification related to this submission.

4/10/15

Good evening, Mr. Schaible.

No one has contacted us regarding our request for an application review. The application has since been submitted, and an edit by us has been requested and ignored by Mr. Demson Fuller (several phone calls and emails).

A pre-application meeting was requested on January 5th, 2015.

A review meeting is hereby requested again for products 91399-R and 91399-E for GlobalEx USA Inc., 91399. We have requested from Mr. Fuller to amend our application to meet the same criteria as the Newly Approved "ME-TOO" product Dutrion #89492-2 which is not only the same formula but also the same manufacturing facility. The draft label has been included in the application package for GlobalEx USA Inc. Cleantab 91399-R and Oxytab 91399-E.

We have requested from Mr. Fuller the opportunity to provide the additional documentation requested by EPA's Srijana Shrestha along with LABEL INSERT for our product to meet similar criteria to the new application approved by our ME-TOO company Dutrion's 89492-2.

Please advise, so we may move forward.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA Inc.  
480.324.6413  
Jkemper@globalexusa.com

15-600-8368

www.globalexusa.com

From: Schaible, Stephen [mailto:Schaible.Stephen@epa.gov] On Behalf Of OPP AD Ombudsman  
Sent: Friday, April 10, 2015 3:23 PM  
To: jkemper@globalexusa.com  
Cc: OPP AD Ombudsman  
Subject: RE: GlobalEx Est. # 91399-FL-001 application review question

Hello Jacqueline,

I am going through the email backlog in the AD Ombudsman mailbox and wish to ascertain whether you have received a response to your inquiry below and if not, whether a response would be appreciated. The EPA does not review application materials in advance of an actual application, but a pre-application meeting can be requested.

Before a pre-application meeting is contemplated, please provide information regarding what the purpose of the meeting would be, what questions you have, and a draft label. Often everything can be addressed via email or a telephone call without the need for a meeting.

If you haven't already, I would suggest you look at the pesticide registration manual located here <http://www2.epa.gov/pesticide-registration/pesticide-registration-manual>.

Also, below is some additional information I think you would find helpful in better understanding the pesticide registration process.

Best regards, Steve

Stephen Schaible, Acting AD Ombudsman  
Antimicrobials Division (7510P)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

If you are intending to pursue registration and sale of a pesticide product in the United States, this type of registration activity action falls under the Pesticide Registration Improvement Act and its most recent reauthorization, PRIA 3. This is a fee for service law in which different types of pesticide regulatory activities have different fees and decision time frames.

I would use the Fee Determination Decision Tree available on the EPA's pesticides web page to determine which PRIA category and fee are most applicable to your actions (<http://www2.epa.gov/pria-fees/pria-3-fee-determination-decision-tree>).

As far as simply understanding the registration process and downloading forms you will need to submit the application, here are some helpful links:

\* Information on pesticide registration may be found on <http://www2.epa.gov/pesticide-registration/pesticide-registration-manual>

(In particular, you may wish to peruse Chapter 2: Registering a Pesticide: <http://www2.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-2-registering-pesticide-product>

\* The contents of an application and the forms may be found on [http://www2.epa.gov/sites/production/files/2014-03/documents/pria21day\\_wrksht.pdf](http://www2.epa.gov/sites/production/files/2014-03/documents/pria21day_wrksht.pdf)

\* Information on fees is available on <http://www2.epa.gov/pria-fees/paying-pria-application-fees>

\* Depending on the size of your company, you may qualify for a 50% or 75% small business waiver:  
<http://www2.epa.gov/pria-fees/pria-fee-waivers-small-businesses>

**You may wish to employ the services of a consultant to develop and submit your application.** Especially if this is the first time you are going through the pesticide registration process, there can be advantages to employing someone familiar with the process. **The following web site lists pesticide consultants. The EPA does not make any recommendations for any of the companies listed, and strongly recommends you contact at least three references:**  
**[http://www.epa.gov/pesticides/biopesticides/regtools/biopesticide\\_consultants.htm](http://www.epa.gov/pesticides/biopesticides/regtools/biopesticide_consultants.htm)**

After a pesticide product is registered in the US, there is a yearly fee to continue the registration. This maintenance fee is \$3,575/product in 2014.

From: jkemper@globalexusa.com [mailto:jkemper@globalexusa.com]  
Sent: Monday, January 05, 2015 4:59 PM  
To: OPP AD Ombudsman  
Subject: Re: GlobalEx Est. # 91399-FL-001 application review question

I would like to know how to make an appointment for a pesticide registration application review. GlobalEx USA, Inc is requesting EPA "Me-Too" approval for its Chlorine Dioxide tablet and will require a review of the application documents to make certain unnecessary delays are eliminated.

Thank you, for your time, it is appreciated.

Sincerely,

Jacqueline Kemper  
Arizona Director of Operations  
GlobalEx USA, Inc.  
480-324-6413  
jkemper@globalexusa.com  
www.globalexusa.com

4/14/15

Dear Mr. Fuller,

Our application for GlobalEx USA Inc. Oxytab 91399-E and Cleantab 91399-R is with EPA Contractor, Inoventures LLC, Ms. Srijana Shrestha. She has notified me of some issues in our application which require a significant edit on our Efficacy and Properties Studies.

I would like to know, since we are a Me-Too product with Dutrion Company # 89492 if we could move forward with our application while we compile this edit. As a Me-Too with both products manufactured at the same factory, using the same formula, that should not be a large issue.

Ms. Srijana Shrestha would like your approval to send our application to you, as you are better suited to make the decisions necessary. She has been Cc'd to this email.

Additionally, it has come to our attention Dutrion was recently approved by your department for additional applications (product applications).

1. How does GlobalEx USA Inc. receive the same applications, processing and solute as its "Me-Too" product Dutrion?

- January 2015 EPA approved Dutrion for use as a 2000 ppm solute.
  - The new Dutrion label uses 31 different applications.
2. GlobalEx USA would like to be approved for the same applications, using the same solution of 2000 ppm.
- How would we quickly remediate and append our label?
3. Dutrion is manufactured at the same facility as GlobalEx USA.
- As a "Me-Too" product, we should be able to fast track GlobalEx USA Inc.
  - Dutrion uses the same formula as GlobalEx USA.
4. The China manufacturing plant which Dutrion uses is Establishment # 90133-CHN-001.
- We are unable to locate information on this Establishment #. It is listed on Dutrion's label, and your approved Master Label. (attached)
  - Could you help verify this establishment?

Mr. Fuller, I do hope we are able to expedite our registration process. GlobalEx USA has experienced several delays in the EPA process. These delays are preventing us from selling product and we are critically running out of time. Jobs have already been lost, and the rest will soon follow if we are unable to secure EPA approval for sale of our product. Your timely response, and as always, your time is greatly appreciated.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 10 2015

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

The Honorable John McCain  
United States Senate  
Washington, DC 20510

Dear Senator McCain:

Thank you for your letter of April 17, 2015, to the U.S. Environmental Protection Agency on behalf of your constituent, Ms. Jacqueline Kemper of GlobalEx USA Inc., regarding the potential registration of two antimicrobial pesticide products.

The EPA regulates pesticides under the statutory authority of the Federal Insecticide, Fungicide and Rodenticide Act. FIFRA requires that before registering a new pesticide or new use for a registered pesticide, the EPA must first ensure that the product can be used with a reasonable certainty of no harm to human health and without posing unreasonable adverse effects to humans or the environment. In addition, individuals or companies interested in registering a product in the United States must submit required data and labeling to the agency for review prior to selling or distributing the product.

Regarding the concerns raised by GlobalEx USA Inc, the agency should have provided timely specific responses to the company's initial questions. We have been in communication with the company during our preliminary technical screen of the applications. We identified a number of deficiencies that were communicated to the company during a May 8, 2015 conference call. To assist GlobalEx in resolving these deficiencies, we are in the process of scheduling a meeting with the company. We recognize the complexities of the registration process that may arise with a small business, such as GlobalEx.

Mr. Demson Fuller, of the Office of Pesticide Programs' Antimicrobials Division, will continue to work with GlobalEx to provide guidance on the company's applications. If your constituent has additional questions or would like to request a meeting, she may contact Mr. Fuller at 703-308-8062 or [fuller.demson@epa.gov](mailto:fuller.demson@epa.gov).

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at [kaiser.sven-erik@epa.gov](mailto:kaiser.sven-erik@epa.gov) or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Jones".

James J. Jones  
Assistant Administrator

AL-15-001-2024

EMANUEL CLEAVER, II  
FIFTH DISTRICT, MISSOURI

FINANCIAL SERVICES COMMITTEE  
HEALTH AND INSURANCE SUBCOMMITTEE  
RANKING MEMBER

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE



<http://WWW.HOUSE.GOV/CLEAVER>

[TWITTER.COM/REPCLEAVER](https://twitter.com/REPCLEAVER)

[FACEBOOK.COM/EMANUEL.CLEAVER.II](https://facebook.com/emanuelcleaverii)

**Congress of the United States  
House of Representatives**

July 20, 2015

The Honorable Gina McCarthy  
Office of the Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

RE: Proposed Update to Ozone National Ambient Air Quality Standards

Dear Administrator McCarthy,

I want to commend the Environmental Protection Agency (EPA) for moving forward with an update to the ozone, or smog, standard. Scientists and the medical community have long told us that the existing standard of 75 parts per billion is insufficient to protect public health and have recommended a strengthening to the lower end of the range EPA proposed.

Year after year, Kansas City residents suffer from dangerously high levels of smog. According to the American Lung Association's (ALA) 2014 State of the Air report, of the two counties in our four county metropolitan region that have monitors for smog, both received the lowest possible grade of F. Further, in this four county region, ALA estimates there are more 86,000 people with asthma, and of that more than 27,000 are children. Asthma creates so many hardships, both for the individual sufferer but also for the families that must shoulder the medical expenses, missed school or work days, and general reductions in quality of life. Our low income neighborhoods are disproportionately affected since they are more likely to have reduced access to healthcare to live adjacent to major roadways and other direct pollution sources.

The medical community is united behind the understanding that we can and must do more to protect Americans from smog pollution, and that significantly strengthening the existing smog standard is a logical first step. As you move ahead in this process, I look forward to working with EPA to finalize and implement a strong, health-protective standard. Thank you for your consideration.

Sincerely,

Emanuel Cleaver, II  
Member of Congress

PLEASE REPLY TO

☐ 2335 RAYBURN HOB  
WASHINGTON, DC 20515  
(202) 225-4535 (PHONE)  
(202) 225-4403 (FAX)

☐ 101 WEST 31ST STREET  
KANSAS CITY, MO 64108  
(816) 842-4545 (PHONE)  
(816) 471-5215 (FAX)

☐ 211 WEST MAPLE AVENUE  
INDEPENDENCE, MO 64050  
(816) 833-4545 (PHONE)  
(816) 833-2991 (FAX)

☐ 1923 MAIN STREET  
HIGGINSVILLE, MO 64037  
(660) 584-7373 (PHONE)  
(660) 584-7227 (FAX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 21 2015

OFFICE OF  
AIR QUALITY

The Honorable Emanuel Cleaver, II  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Cleaver:

Thank you for your letter of July 20, 2015 to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's recent Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled. The recently adopted clean air regulations will certainly improve ozone levels across the country, and as a result, we expect more areas to have healthier air quality in the future.

I appreciate your support for the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at [lewis.josh@epa.gov](mailto:lewis.josh@epa.gov) or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is located below the "Sincerely," text.

Janet G. McCabe  
Acting Assistant Administrator

AL-15-001-2207

RON WYDEN  
OREGON

CHAIRMAN OF COMMITTEE ON  
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5244

**United States Senate**  
WASHINGTON, DC 20510-3703

**COMMITTEES:**

COMMITTEE ON FINANCE  
COMMITTEE ON BUDGET  
COMMITTEE ON ENERGY & NATURAL RESOURCES  
SELECT COMMITTEE ON INTELLIGENCE  
JOINT COMMITTEE ON TAXATION

July 28, 2015


Laura Vaught  
Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Ms. Vaught:

Enclosed please find correspondence I received from a constituent. He reached out to your office about an issue regarding chemical contamination at a lake in Oregon.

I would greatly appreciate your addressing my constituent's concerns and responding directly to him. Please also send a copy to my Washington D.C. office, attention Malcolm McGeary, as I am interested in your response. Thank you in advance for your assistance.

Sincerely,

  
Ron Wyden  
United States Senator

911 NE 11TH AVENUE  
SUITE 630  
PORTLAND, OR 97232  
(503) 326-7525

405 EAST 8TH AVE  
SUITE 2020  
EUGENE, OR 97401  
(541) 431-0229

SAC ANNEX BUILDING  
105 FIR ST  
SUITE 201  
LA GRANDE, OR 97850  
(541) 962-7691

U.S. COURTHOUSE  
310 WEST 6TH ST  
ROOM 118  
MEDFORD, OR 97501  
(541) 858-5122

THE JAMISON BUILDING  
131 NW HAWTHORNE AVE.  
SUITE 107  
BEND, OR 97701  
(541) 330-9142

707 13TH ST. SE  
SUITE 285  
SALEM, OR 97301  
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)  
PRINTED ON RECYCLED PAPER

*exempt b*

Email: *exempt b*

*exempt b*

Web Mail Subject: Environment (Clean Air, Clean Water, Waste)

Why doesn't Oregon's senior Senator make cleaning up the Alkali Lake dump site a quiet, but urgent agenda for the federal government. Where is environmental law on the matter funding a site cleanup like this? Can the State or Federal government cleanup the site and place a lien upon and cease control of the finances of the the private owner of the site to recover cost of the cleanup? There is precedent for the US government to take limited control of private enterprises for the causes of the national good.

<http://www.opb.org/news/article/agent-orange-dump-site-is-oregon-deserts-toxic-leg/>  
[https://en.wikipedia.org/wiki/Alkali\\_Lake\\_Chemical\\_Waste\\_Dump](https://en.wikipedia.org/wiki/Alkali_Lake_Chemical_Waste_Dump)

15-001-2207



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

AUG 18 2015

*Exempt*  
*Exempt*

Dear *Exempt*

We received a copy of your recent email to Senator Ron Wyden concerning the Alkali Lake Disposal site located in Lake County, Oregon. Senator Wyden has asked the U.S. Environmental Protection Agency to respond directly to you.

Your email requests that Senator Wyden make cleanup of the Alkali Lake Disposal site an urgent matter for the federal government. The EPA conducted an Expanded Site Inspection of the Alkali Lake Disposal site in the spring of 2010 in order to determine if a federal EPA lead cleanup of the site was warranted. An electronic copy of the ESI has been attached for your consideration.

As a result of the inspection, the EPA determined that an EPA led cleanup of the site was not warranted, but that several outstanding concerns about the site remain. The site is owned by the State of Oregon, and the lead environmental agency for the site is the Oregon Department of Environmental Quality. I have attached a July, 2011 letter sent to the DEQ by the EPA upon completion of the inspection outlining the EPA's concerns, as well as DEQ's response letter. The EPA considers this site to be a state matter, and recommends that you contact DEQ directly with your questions and concerns. The DEQ project manager for the Alkali Lake Disposal site is Mr. Bob Schwarz, his address is as follows:

Mr. Bob Schwarz  
Oregon Department of Environmental Quality  
(541) 298-7255  
400 E Scenic Drive Suite 370  
The Dalles, Oregon 97058

We appreciate your concern regarding the Alkali Lake Disposal. If you would like additional information, please feel free to contact Ken Marcy, an EPA Region 10 Site Assessment Manager at 206-553-6061, or by email at [marcy.ken@epa.gov](mailto:marcy.ken@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "D.J. McLerran" followed by a flourish.

Dennis J. McLerran  
Regional Administrator

Enclosures

- /
1. Alkali Lake Expanded Site Inspection Report, March, 2011
  2. Letter from Daniel D. Opalski, Director, Office of Environmental Cleanup, USEPA Region 10 to Jeff Christensen, Manager, Emergency Response/Environmental Cleanup Land Quality Division, Oregon DEQ, July 2011
  3. Letter from Jeffrey J. Christensen, Manager, Emergency Response/Environmental Cleanup Land Quality Division to Dan Opalski, Director, Office of Environmental Cleanup, USEPA Region 10, July 2011

cc: Malcolm McGeary  
Legislative Correspondent, Office of Senator Ron Wyden

Laura Vaught,  
Associate Administrator, U.S. Environmental Protection Agency



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL CLEANUP

Mr. Jeff Christensen, Manager  
Emergency Response/Environmental Cleanup  
Land Quality Division  
Oregon Department of Environmental Quality  
811 Southwest Sixth Avenue  
Portland, Oregon 97204-1390

Dept. of Environmental Quality

**RECEIVED**

**JUN 22 2011**

**Land Quality Division**

Dear Mr. Christensen:

Thank you for your continued efforts to coordinate with the Environmental Protection Agency concerning the future of the Alkali Lake disposal area located approximately 60 miles north of Lakeview, Oregon. In particular, the EPA appreciates the Oregon Department of Environmental Quality (DEQ) review and analysis of the sampling results contained in the Expanded Site Inspection conducted by the EPA in May 2010 and our recent telephone conversations regarding potential future actions at the site. I recognize that DEQ has looked carefully at the available information and has reached some different conclusions. Nonetheless, I believe it is worthwhile to summarize the EPA's findings and concerns with respect to the site.

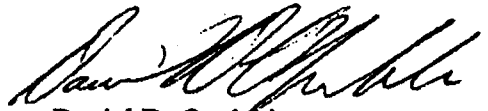
As you know, the EPA completed fieldwork for the ESI at the Alkali Lake site in order to collect necessary information for a Hazard Ranking System evaluation—an evaluation that was requested by DEQ in October 2009. The data and exposure scenarios detailed in the EPA report generated an HRS score exceeding the required threshold for National Priorities List consideration. The EPA has not proceeded with the process for NPL listing because, based on our current understanding of site risks, engaging the Superfund remedial process does not appear to be warranted. However, the EPA remains concerned about the continued presence of relatively uncontained sources in the drum disposal area that have impacted, and could further impact, shallow groundwater and sediments. In light of this concern, the EPA recommends the following steps to reduce some of the remaining uncertainties with respect to site risks:

- DEQ's 2005 Risk Analysis for this site compared sediment values to human health risk screening levels, as there is limited fresh water sediment guidance appropriate to the contaminants identified. The EPA recommends that DEQ consider further evaluation of actual ecological exposure and risks at the site.
- Impacts to groundwater deeper in the aquifer and a potential connection to Hutton Spring, which provides habitat to the federally threatened Tui Chub, have yet to be evaluated to any significant degree. Previous sampling by DEQ indicates the presence of site contaminants in Hutton Spring, which raises the issue of potential further ecological exposure. Taken together, existing sampling results appear inconclusive. The EPA recommends that further sampling of Hutton Spring and groundwater modeling focusing on deeper aquifer connections to the source area be considered.

- A December 2009 letter to the EPA from the Oregon Natural Desert Association identifies the air pathway as a concern. During the EPA lead ESI, significant odor was noted near the drum disposal area. The EPA recommends that DEQ consider limited air sampling near the drum disposal area to ensure the safety of personnel who might visit the site and potential users of recreational trail in the area.
- Pending results from the steps suggested above, the EPA recommends that DEQ evaluate possible actions that would isolate and/or remove the source, thus minimizing releases to the environment from this material.

The EPA is very appreciative of DEQ's efforts to coordinate with the EPA at this complex site as you determine an appropriate path forward. If you have any questions regarding this letter, please feel free to contact me directly at (206) 553-1855.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Opalski", written in a cursive style.

Daniel D. Opalski  
Director



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Headquarters  
811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
FAX (503) 229-6124  
TTY: 711

July 12, 2011

Mr. Dan Opalski, Director  
Office of Environmental Cleanup  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

RE: Alkali Lake chemical waste disposal site, ECSI # 291

Dear Mr. Opalski:

Thank you for your June 22, 2011 letter regarding the Alkali Lake chemical waste disposal site in response to DEQ's October 2009 request for EPA's assistance in conducting a Site Investigation. We appreciate EPA's review and recommendations regarding the site.

Although we agree to carefully consider EPA's recommendations, as appropriate, I am writing to provide clarification and comments on some information and representations made in your letter. First, in your letter, you stated that:

*DEQ's 2005 Risk Analysis for this site compared sediment values to human health risk screening levels, as there is limited fresh water sediment guidance appropriate to the contaminants identified. The EPA recommends that DEQ consider further evaluation of actual ecological exposure and risks at the site.*

DEQ agrees that federally-promulgated fresh water sediment guidance for ecological receptors has not yet been developed for the identified contaminants. However, as a point of clarification, the 2005 risk assessment completed by DEQ includes an evaluation of ecological risk based on current site conditions and a review of available ecological toxicology literature. Specifically, the risk assessment considered three assessment endpoints: 1) reproductive impairment in predatory birds, 2) reproductive impairment in migratory shore birds, and 3) neurological impairment in predatory mammals. The indicator species selected to represent these endpoints were the golden eagle, snowy plover, and the coyote. Estimated daily intake of contaminants in the various media (soil, prey, surface water and sediment) was calculated using standard exposure factors and contaminant exposure point concentrations. These contaminant concentrations were calculated using a 90<sup>th</sup> percentile upper confidence limit.

Toxicity reference values were developed using literature benchmark values and uncertainty factors. The toxicity reference values were based on a chronic no observable adverse effect level (NOAEL), when available. Otherwise, a lowest observable adverse effect level (LOAEL) was used. For some chemicals, toxicity values were not available. In those cases, toxicity values for structurally-similar chemicals were used.

Based on the latest scientific information, DEQ's risk assessment concluded that risk to human and ecological receptors does not exceed acceptable levels.

Second, according to your June 22 letter:

*Impacts to groundwater deeper in the aquifer and a potential connection to Hutton Springs, which provides habitat to the federally threatened Tui Chub, have yet to be evaluated to any significant degree. Previous sampling by DEQ indicates the presence of site contaminants in Hutton Springs, which raises the issue of potential further ecological exposure. Taken together, existing sampling results appear inconclusive. The EPA recommends that further sampling of Hutton Spring and groundwater modeling focusing on deeper aquifer connections to the source area be considered.*

It is our understanding that the owners of the land that includes Hutton Springs denied USEPA permission to collect samples in April 2010. DEQ requested permission to sample the springs in May 2011 and the owners denied access for DEQ's sampling. However, during the May 2011 sampling event, DEQ sampled groundwater at the two wells closest to Hutton Springs. Hutton Springs is approximately 7,000 north-northwest of the 10-acre disposal area where the drums are buried. The two wells closest to Hutton Springs, MW-52 and MW-53, are 1,300 and 1,900 feet north-northwest of the disposal area. No contaminants were detected in either well. We believe these results confirm our previous conclusion that contamination from the disposal area does not affect fish in Hutton Springs or the other nearby springs.

As you know, DEQ collected samples at Hutton Springs 14 times between 1992 and 2001. There were five instances of detected chemicals among more than 400 data points. Three of these were at concentrations close to the method reporting limit. MCPA was detected in 1993 at a concentration of 1.4 micrograms per liter (ug/l). 2,4,5-T and 2,4,5-TP were detected in 1999 at concentrations of 1.7 and 0.2 ug/l. In May 1994, higher concentrations of two contaminants were found (2,4-D at 29 ug/l and MCPA at 43 ug/l). These results prompted us to resample in September 1994; no contaminants were detected. Following this second round of sampling and after conferring with our lab, we suspected that the May 1994 results may have been anomalies due to contamination in lab equipment after running some of the highly contaminated samples from wells close to the disposal area.

Over 60 monitoring wells have been installed at this site over the years. We currently have 34 monitoring wells. These include seven locations with well pairs, where a shallow and a deep well were installed a few feet away from each other. The shallow wells range in depth from 7 to 15 feet. The deep wells are all approximately 35 feet deep. These well pairs serve two primary purposes. First, they allow us to compare contaminant concentrations at two different depths within the uppermost aquifer. Second, they also allow us to measure the vertical gradient at that point by comparing the water level elevations in the two wells.

Of the seven well pairs, one is immediately upgradient (east) of the disposal area. Two are immediately cross-gradient (north and south), and three are 1,500 to 1,800 feet downgradient (northwest) of the disposal area. The final well pair is 300 feet downgradient. This well pair (MW-10/MW-57) is the only one with significant contamination, and is therefore the only pair that allows a meaningful comparison of contaminant concentrations at different depths. Contaminant concentrations in the shallow well at this location are significantly higher than in the deeper well.

Water level readings indicate there is an upward gradient close to the disposal area. Further downgradient (northwest), this gradient flattens out and is slightly downward in some cases. An upward vertical gradient impedes downward flow of contamination. Other factors, such as sorption of contaminants to soil particles, can also reduce downward migration of contaminants.

Having reviewed groundwater contaminant concentrations for more than 20 years, we conclude that the plume is not expanding and the northern extent of groundwater contamination is several thousand feet south of Hutton

Mr. Dan Opalski  
Page 3 of 3

Springs. We also conclude that downward migration of contaminants is limited.

Third, as noted in your June 22 letter:

*A December 2009 letter to the EPA from the Oregon Natural Desert Association identifies the air pathway as a concern. During the EPA lead ESI, significant odor was noted near the drum disposal area. The EPA recommends that DEQ consider limited air sampling near the drum disposal area to ensure the safety of personnel who might visit the site and potential users of recreational trail in the area.*

DEQ's 2005 risk assessment considered risk from inhalation of chemicals adsorbed onto soil particles. This was found to be one of the less significant exposure pathways and was well below acceptable risk levels. The risk assessment did not consider exposure to chemicals volatilizing from soil and groundwater. Neither USEPA nor DEQ publishes risk screening levels for exposure to these chemicals in air, because they are not sufficiently volatile. We agree that there are chemical odors near the drum disposal area, which means some contaminants are volatilizing to some degree. We know that some chemicals present at the site have a very low odor threshold, and can therefore be detected at low concentrations. DEQ has monitored for volatile chemicals using a photoionization detector (PID) at the site, and we have not found significant concentrations of volatile chemicals. We will continue screening for volatile chemicals using the PID during routine monitoring events and other site operation and maintenance activities.

Finally, your June 22 letter states that:

*Pending results from the steps suggested above, the EPA recommends that DEQ evaluate possible actions that would isolate and/or remove the source, thus minimizing releases to the environment from this material.*

The 2005 risk assessment concluded that acceptable risk to humans and ecological receptors is not exceeded. Based on that assessment, DEQ issued a Record of Decision in April 2007 requiring continued groundwater monitoring and maintenance of soil cover, fencing, and warning signs at the site. We do not believe a different remedy is warranted or that the 2007 ROD must be revisited.

We appreciate the extensive sampling that EPA and its contractor conducted, as well as the opportunity to review the draft EPA Site Investigation report. A copy of the final report when available would be much appreciated. If you have any questions regarding this letter, please do not hesitate to contact me at (503) 229-6391.

Sincerely,



Jeffrey J. Christensen, Manager  
Emergency Response/Environmental Cleanup  
Land Quality Division

AL 15-000-7711

MIKE COFFMAN  
11th District, Colorado

2442 RAYBORN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-7882

ARMED SERVICES COMMITTEE  
VETERANS' AFFAIRS COMMITTEE  
OVERSIGHT AND INVESTIGATIONS  
SUBCOMMITTEE CHAIRMAN

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0606**

DISTRICT OFFICE  
CHERRY CREEK PLACE IV, SUITE 305  
3300 SOUTH PARKER ROAD  
AURORA, CO 80014  
(720) 748-7514

BALANCED BUDGET  
AMENDMENT CAUCUS  
CHAIRMAN

April 10, 2015

The Honorable Gina McCarthy  
Office of the Administrator – 1101A  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator McCarthy:

I am writing today concerning the new ozone regulations proposed by the Environmental protection Agency (EPA). These proposed regulations threaten regulatory consistency and the economic well-being of workers, employers, housing providers, and businesses. The EPA's one-size-fits-all approach is not appropriate for application in Colorado, and doubtless other jurisdictions will experience the same difficulties.

Ozone rules promulgated in 2008 are still being implemented today, and Colorado has seen a 30% drop in ozone levels since 1980. However, in 2010, when these same rules were proposed by the EPA, the President stepped in with a two-year delay of implementation. As he noted at the time, the new regulations would add uncertainty to the economy and it should be a priority to "minimize regulator costs and burdens, particularly in this economically challenging time."

Businesses today face many challenges, and one of the heaviest is compliance with Federal regulations. The National Association of Manufacturers estimates that these stricter ozone rules could cost the nation as much as \$270 billion per year in compliance costs, \$3.4 trillion in economic output by 2040, and 2.9 million jobs by 2040. In my own state, the Colorado Association of Commerce and Industry estimates that the proposed regulations could cost our state \$11 billion in GDP and roughly 25,000 jobs in the near term.

Additionally, the proposed regulations do not take into consideration Colorado's industries or unique topography. In fact, the proposal goes so far and is so stringent that the Grand Canyon would fail the proposed 70 ppb standard, and Yellowstone National Park would fail the proposed 65 ppb standard. In non-attainment areas like Colorado's Front Range, companies building or expanding would be required to reduce ozone-forming emissions regardless of cost, and economic development could not move forward unless emissions were reduced from other sources.

Colorado businesses are working hard to comply with current EPA standards. Colorado businesses have been engaged in discussions focusing on statewide air quality, minimum setbacks, water conservation, and energy efficiency. The EPA would do well to seek greater involvement from affected industries and businesses, throughout the United States; these businesses have a vested interest not only in continued economic development, but also in ensuring a high quality of life for their communities.

Therefore, given the foregoing concerns, I urge you to keep ozone standards at their current level of 75 ppb. I want Colorado to be the best state, and the United States to be the best nation, in which to do business, but I fear the EPA's onerous regulations will take us in the opposite direction. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mike Coffman". The signature is fluid and cursive, with the first name "Mike" and last name "Coffman" clearly distinguishable.

Mike Coffman  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN - 3 2015

OFFICE OF  
AIR AND RADIATION

The Honorable Mike Coffman  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Coffman:

Thank you for your letter of April 10, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy, regarding the EPA's recent Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70% while the economy has tripled. I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at [lewis.josh@epa.gov](mailto:lewis.josh@epa.gov) or at (202) 564-2095.

Sincerely,

Janet G. McCabe  
Acting Assistant Administrator



# United States Senate

May 22, 2015

The Honorable Barack H. Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Obama,

I urge you to engage the Canadian government and International Joint Commission (IJC) to address a recent threatening proposal to permanently store toxic nuclear waste under the Great Lakes Basin, the source of safe drinking water for 30 million Americans and one of our most precious natural resources. On May 6, 2015, Canada's Joint Review Panel issued an Environmental Assessment Report and recommended approval of Ontario Power Generation's (OPG) proposal to permanently store toxic nuclear waste less than one mile from the shores of Lake Huron. This matter presents an immediate threat to all the Great Lakes, and I ask you to use all diplomatic means available to urge the Canadian government to delay its decision-making process until the proposal has been given all due consideration by the IJC.

Under Canadian law, Canada's Environment Minister, Leona Aglukkaq, has 120 days following the review panel recommendation to make a final authorization decision. As a permanent repository, the Kincardine, Ontario facility would hold 7 million cubic feet of nuclear waste for thousands of years. Any leak during that time could unleash toxic material throughout the Great Lakes Basin, and contaminate the largest surface freshwater system in the world while causing irreparable damage to the more than 3,500 plants and animals that inhabit the ecosystem. Even with these serious risks to the Great Lakes, the Canadian review panel failed to consider any potential alternative sites.

The United States and Canada created the IJC, guided by the Boundary Waters Treaty of 1909, to prevent and resolve disputes over shared waters. One of the IJC's main responsibilities is to investigate transboundary issues and recommend solutions when requested by the national governments. In the Boundary Waters Treaty, both countries agreed that neither would pollute boundary waters to an extent that would cause injury to health or property in the other country. And yet, with this Ontario Power Generation proposal Canada is on the path to permanently storing toxic nuclear waste under our Great Lakes.

As the co-chair of the Senate Great Lakes Task Force, I understand the serious threat this repository has on the long-term health of the Great Lakes Basin. We must ensure the environmental integrity of the Great Lakes for future generations to come. I urge you to use your authority to request an IJC study into this matter, to utilize Federal resources to

U.S. SENATE  
OFFICE OF THE CLERK  
WASHINGTON, D.C. 20541

U.S. HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
WASHINGTON, D.C. 20541

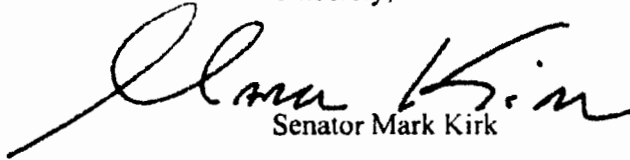
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

U.S. DEPARTMENT OF AGRICULTURE

15-001-0672

properly assess the risks this proposal poses to the United States, and to request that the Canadian Government postpone its final decision until both parties of the Boundary Waters Treaty of 1909 properly consider the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Kirk". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Senator Mark Kirk

cc: John Kerry, Secretary, U.S. Department of State  
cc: Gina McCarthy, Administrator, Environmental Protection Agency (EPA)  
cc: Gordon Walk, Canadian Chair of the International Joint Commission (IJC)  
cc: Lana Pollack, United States Chair of the International Joint Commission (IJC)

AL-15-001-0672



United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

JUL 21 2015

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your June 23, 2015 letter regarding the proposed Deep Geologic Repository for low and intermediate-level radioactive waste in Kincardine, Ontario.

As noted in the letter that you recently received from the U.S. Department of State, the U.S. Environmental Protection Agency provided comments on the repository project to the Canadian government in 2012 and is currently reviewing the Canadian Environmental Assessment Agency's June 3, 2015 document on potential mitigation measures. We will provide your office with a copy of any further comments that EPA submits about this project, when and if they are transmitted to Canada by the State Department.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 congressional liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator

AL-15-000-8916

MARK KIRK  
ILLINOIS

COMMITTEES  
APPROPRIATIONS  
BANKING, HOUSING & URBAN AFFAIRS  
HEALTH, EDUCATION, LABOR & PENSIONS  
AGING

## United States Senate

May 6, 2015

Ms. Laura Vaught  
Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Ms. Vaught:

Enclosed please find the correspondence I received from my constituent,  
of Beardstown, Illinois.

*exempt b*

My constituent contacted me regarding environmental testing in his community. Further  
details may be found in the attached documents.

I appreciate any assistance or further information you may be able to offer.  
Thank you in advance for your attention to this matter. Please do not hesitate my  
Caseworker, Daniel Bower, at 312-886-3506 should you have any additional questions.

*exempt b*

Sincerely,



Mark Kirk  
United States Senator

CHICAGO OFFICE  
230 SOUTH DEARBORN ST.  
SUITE 3900  
CHICAGO, IL 60604  
312-886-3506

SPRINGFIELD OFFICE  
607 EAST ADAMS ST.  
SUITE 1520  
SPRINGFIELD, IL 62701  
217-492-5089

[www.kirk.senate.gov](http://www.kirk.senate.gov)

WASHINGTON OFFICE  
524 HART BUILDING  
WASHINGTON, DC 20510  
202-224-2854

# United States Senate

WASHINGTON, DC 20510

## Privacy Act Release

Name exempt  
Address exempt  
exempt  
Home Phone exempt  
Work Phone exempt  
Cellular Phone exempt  
E-Mail Address exempt  
Agency Involved US EPA  
Pertinent Case Number(s) \_\_\_\_\_

Please provide a brief description of your issue. You may attach additional pages or supporting documents if necessary.

The issue was the leak or spill of hog waste from Cargill inc's waste lagoon at their Beardstown IL facility.

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the release of all pertinent records and information regarding my case to Senator Mark Kirk and his staff. The information I have provided to Senator Kirk's office is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Kirk's office is in no way an attempt to influence any federal, state or local law.

Signature exempt Date May 4 2015

Please return to: Senator Mark Kirk  
230 South Dearborn Street, Suite 3900  
Chicago, IL 60604  
Fax: (312) 886-2117

15-000-8916

## Email Viewer

[Message](#)[Details](#)[Attachments](#)[Headers](#)[Source](#)[HTML](#)

From: *llempt6*  
Date: 4/19/2015 8:47:28 PM  
To: "webmail@kirk-iq.senate.gov" <webmail@kirk-iq.senate.gov>  
Cc:  
Subject: Cargill's hog waste lagoon

Senator Kirk, I live in the small town of Beardstown, and Cargill Corporation has a pork packing plant here. Recently the local news reported there had been a large hole the earthen levee of one of their hog waste lagoons, and several million gallons of liquid hog waste spilled out into the ground. Beardstown is on sandy soil, and the water table is not at all deep, usually less than 20' from ground level. So we are especially vulnerable to such spills and contamination. Furthermore, Cargill's lagoons are almost literally a stone's throw from Beardstown's municipal wells, the source of our drinking water. To top it all off, after the said hog waste spill, all the fish in a nearby pond and in our marina suddenly died off, but Cargill would have us believe this all a bizarre coincidence! Supposedly, the EPA has tested our water and concluded it is safe to drink, but I feel there is an attempt underway to quickly and quietly sweep all this under the rug in hopes everyone will soon forget all about it and it will go away. I, for one, am not satisfied with this facile explanation. I do not feel Cargill has been held accountable for this criminal negligence. Politicians are always preaching "personal responsibility"; how about a little corporate responsibility? There needs to be a thorough investigation of this, Cargill needs to pay for cleaning up this mess. They should be fined for criminal negligence for not maintaining their lagoons properly. Several million gallons of hog waste isn't just going to evaporate! Where did it go?! Why isn't something being done? Beardstown is a small, poor community and we are not able to stand up to a greedy, multinational corporate behemoth such as Cargill Inc. I am asking you as our elected representative to help us make sure the water our families in Beardstown drink is as clean and pure as we as American citizens deserve, and to help us to ensure it will stay clean and protected from the corporate criminals at Cargill. Thank you for your time, Senator Kirk.

[Close](#)

Senator ~~John~~ Kirk

I thank you for taking time to  
reply to my previous letter. There  
have been some developments since  
I first wrote you. My state senator  
John Sullivan's office has been in  
contact. They inform me the cl EPA  
has been testing our water. I've also  
heard cl A. B. Sisa Madigan is investigating.  
However, because Cargill is so wealthy  
& powerful they hold an inordinate influence  
in our little community. I fear this  
incident will be swept under the rug,  
Cargill will not be held responsible,  
and they'll in no way feel it necessary  
to prevent such disaster in the future.  
I want their corporate wrongdoing thoroughly  
investigated, and steps taken to help ensure  
a cleaner, healthier future for Beardstown,  
Ill & all of the United States

Sincerely

exempt 6

## DNR completes fish kill count

By Ethan McIntyre

Star-Gazette reporter

The Illinois Department of Natural Resources recently completed its count of the fish affected by Cargill's lagoon breach.

According to DNR representative Chris Young, the DNR counted 64,566 fish of various kinds. Young added that this number may be undercounted, as the DNR did not begin the count until several days after the lagoon breach occurred.

The Environmental Protection Agency has referred the lagoon breach case to the Attorney General's Office. The investigation is ongoing.

April 30 2015  
Cargill Co. Star Gazette



United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

AL-15-000-8916

**JUN 12 2015**

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your May 6, 2015 letter regarding your constituent's concerns about a March 2015 spill at the Cargill Meat Solutions facility in Beardstown, Illinois.

Upon receipt of your letter, the U.S. Environmental Protection Agency contacted the Illinois Environmental Protection Agency (IEPA), the agency responsible for the regulation of waste discharges to surface waters in Illinois under the Clean Water Act. According to IEPA, a berm on the Cargill property failed on March 8, 2015, causing slaughterhouse waste from a lagoon to drain into a ditch and then into the Sangamon River. IEPA confirms subsequent fish kills in a pond in Beardstown and the Beardstown Marina, both of which are connected hydrologically to the ditch. A March 19, 2015 letter from Cargill to IEPA is enclosed which describes efforts to repair the berm around the waste lagoon on the Cargill property.

IEPA is monitoring Cargill's work to repair the berm and has referred the case to the Illinois Attorney General's office for potential enforcement action. For more information, please contact James Miles, Environmental Protection Engineer at IEPA, at (217) 557-8719.

Again, thank you for your letter. If you have further questions, please contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator

Enclosure

**United States Senate**  
WASHINGTON, DC 20510

**May 18, 2015**

**Ms. Laura Vaught  
Associate Administrator for Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Room 3426 ARN  
Washington, D.C. 20460**

**Dear Ms. Vaught:**

**I am writing on behalf of my constituent, who has contacted my office for assistance. Enclosed, for your review, is a copy of the information I received.**

**Any information or assistance that you can provide in this matter would be deeply appreciated. Please mail all correspondence regarding this inquiry to my office at 217 West King Street, Suite 307, Martinsburg, W.Va. 25401. You can also contact me by phone at (304) 262-9285 or by fax at (304) 262-9288.**

**Sincerely,**



**Shelley Moore Capito  
United States Senator**

**SMC:cws**

## PRIVACY ACT RELEASE FORM

As required by the Privacy Act of 1974, I authorize United States Senator Shelley Moore Capito to obtain information from any federal government records regarding me in connection with my EPA claim or problem.

(Agency)

Signature exempt b

Date 12 MAY 2015

Print Name exempt b

Home Phone exempt b

Email Address exempt b

Cell Phone \_\_\_\_\_

Date of Birth exempt b

Work Phone \_\_\_\_\_

Social Security No. exempt b

Address exempt b

Green Springs State WV

Zip 26732 County Shenandoah Claim No. (if applicable) \_\_\_\_\_

Please describe your problem and the current status of your issue/claim.

REQUEST CLOSE CHECK BY EPA  
OF SITE OF KOPPERS PLANT CLOSING  
IN GREEN SPRING, WV (100 ACRES ?)  
WE ARE HEARING STORIES ABOUT  
PROBABLE illegal burials of hazardous  
WASTE BURIALS by KOPPERS.

Will this need Superfund clean-up?

**\*\*Please feel free to write on the back or add another page if necessary.\*\***

Please return to:

Senator Shelley Moore Capito  
217 West King St., Suite 307  
Martinsburg, WV 25401  
Phone: 304.262.9285  
Fax: 304.262.9288

AL-15-000-9440



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JUL 10 2015

The Honorable Shelley Moore Capito  
United States Senator  
217 West King Street, Suite 307  
Martinsburg, West Virginia 25401

Dear Senator Capito:

Thank you for your May 18, 2015 letter to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, *exempt* regarding closure of the Koppers, Inc. facility located in Green Springs, West Virginia, the potential that hazardous waste containing drums may be buried at the facility, and the potential the facility may become a Superfund Site.

The West Virginia Department of Environmental Protection (WVDEP) is the lead agency overseeing the operation and permitting of this facility. In 1997, the facility received a Post Closure Care Permit from WVDEP which requires routine groundwater monitoring and reporting as well as cap maintenance. WVDEP conducts annual inspections at the facility. The inspections conducted over the last six years identified only one minor violation.

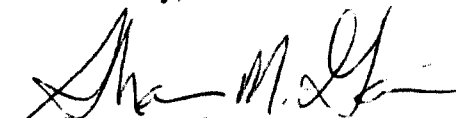
*exempt* concern about the facility becoming a Superfund Site, the federal and state Resource Conservation and Recovery Act (RCRA) Corrective Action regulations require that owners and/or operators of facilities which handle, store, process or transport regulated hazardous waste investigate and remediate, if necessary, releases that have the potential to pose unacceptable risk to human health and the environment. Currently, these are the legal obligations of Koppers, Inc. and would be the obligation of any future property owner. The current status of the Corrective Action activities at the facility can be found at: <http://www.epa.gov/reg3wcmd/ca/wv/webpages/wvd003080959.html>.

If *exempt* would like more information please have him contact:

Kenan Cetin, Ph.D.  
Environmental Resources Specialist  
Division of Land Restoration  
0601 57th Street, SE  
Charleston, WV 25304  
Phone: (304) 926-0440  
Email:  
[Kenan.Cetin@wv.gov](mailto:Kenan.Cetin@wv.gov)

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Mark Ferrell, EPA's West Virginia Liaison, at 304-542-0231.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin", with a stylized flourish at the end.

Shawn M. Garvin  
Regional Administrator



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Customer Service Hotline: 1-800-438-2474*

## United States Senate

To: Laura Vaught  
Fax Number: 2025011519  
Voice Number:  
Company: EPA

From: Peare, Madeline (Boxer)  
Fax Number:  
Voice Number:

Date: May 27, 2015  
Subject: Congressional Inquiry-  
Total Pages: 3

*exempt 6*

Memo:

Dear Congressional Liaison,

Please see the attached inquiry.

Thanks,

Madeline Peare  
Constituent Representative  
U.S. Senator Barbara Boxer  
70 Washington Street, Suite 203  
Oakland, CA 94607  
510-286-8537  
202-228-6866 (fax)

BARBARA BOXER  
CALIFORNIA

COMMITTEE ON  
ENVIRONMENT  
AND PUBLIC WORKS  
OFFICE OF SENATOR BOXER

# United States Senate

HART SENATE OFFICE BUILDING  
SUITE 112  
WASHINGTON, DC 20510-0505  
(202) 224-3553  
<http://boxer.senate.gov>

May 18, 2015

Ms. Laura Vaught  
Associate Administrator for Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Ave NW Rm 3426ARN  
Washington, DC 20460-0001

Dear Ms. Vaught:

Enclosed, please find a copy of the correspondence Senator Boxer received from regarding a matter pertaining to the Environmental Protection Agency. *Exempt b*

I am forwarding the attached for your review and consideration. Any information you can provide in response to the concerns expressed b*Exempt b* will be most appreciated.

Thank you for your assistance in this matter. Please respond to Senator Boxer's Oakland office, attention: Madeline Pearce.

Sincerely,

Eric José Vizcalno  
Director of Constituent Services

EJV:mp  
Enclosure

*Exempt b*

70 WASHINGTON STREET  
SUITE 204  
OAKLAND, CA 94607  
(510) 286-8337

312 NORTH SPONG STREET  
SUITE 1746  
LOS ANGELES, CA 90012  
(213) 894-3000

501 F STREET  
SUITE 700  
SACRAMENTO, CA 95814  
(916) 448-3557

550 TULARE STREET  
SUITE 5200  
FRESNO, CA 93721  
(559) 497-3199

600 B STREET  
SUITE 2145  
SAN DIEGO, CA 92101  
(619) 239-2884

800 C STREET  
SUITE 204  
RIVERSIDE, CA 92501  
(951) 544-4447

PRINTED ON RECYCLED PAPER



# United States Senator Barbara Boxer

## PRIVACY ACT CONSENT FORM

The provisions of Public Law 93-579 (Privacy Act of 1974) prohibit the disclosure of information of a personal nature from the files of an individual without their consent.

Accordingly, I authorize the staff of Senator Barbara Boxer to access any and all of my records that relate to the problem stated below:

Signature: exempt

Date: 4/17/2015

To begin processing your case, please complete all of the following information:

Circle One: Mr Mrs. Miss Ms.

First Name: exempt

Last Name: exempt

Date of Birth: exempt

Social Security Number: exempt

Address: exempt

City: UKIAH

State: CA ZIP: 95981

Email: exempt

Phone Number: exempt

Federal agency with which you need help: Environmental Protection Agency

Briefly explain the problem or the information desired\* (attach additional pages if necessary): (E.P.A.)

I HAVE BEEN ATTEMPTING TO RESTORE ALL RIVERS AND WATERWAYS AND HAVE A METHOD OF MODERNIZING THE E.P.A. AND DEMONSTRATING HOW TO BUILD A CONCRETE DIRT ROAD OF RIVERS IN RIVERSIDE WITH PREVENTING FIRES AND WILDFIRES AND RESTORING AND PROTECTING THE ENVIRONMENT.

\*Please include copies of any relevant documentation related to your request as attachments to this form.

Also include the following information if appropriate.

### IMMIGRATION:

Alien Registration #: \_\_\_\_\_

Priority Date: \_\_\_\_\_

Form #: \_\_\_\_\_

Date filed: \_\_\_\_\_

USCIS Receipt #: \_\_\_\_\_

Embassy Case #: \_\_\_\_\_

### OTHER:

EEO Charge #: \_\_\_\_\_

EEOC Charge #: \_\_\_\_\_

Student Lender Name: \_\_\_\_\_

OPM CSA #: \_\_\_\_\_

### MILITARY:

Branch of Service: \_\_\_\_\_

Rank: \_\_\_\_\_

VA File Number: \_\_\_\_\_

VA Office or Medical Center: \_\_\_\_\_

Please list any other Congressional offices that you have contacted about this issue:

Print and mail your completed form to Senator Barbara Boxer's Oakland office at:

Attention: Casework Department  
United States Senator Barbara Boxer  
70 Washington Street, Suite 203  
Oakland, California 94607  
Fax: 202.228.6866

(Despite containing a Washington D.C. area code, faxes sent to the above fax line will be received in Oakland)



AL-15-000-9616

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

JUN 15

The Honorable Barbara Boxer  
United States Senate  
**Attn: Ms. Madeline Peare, Constituent Representative**  
Oakland State Office  
70 Washington Street, Suite 203  
Oakland, CA 94607

Dear Senator Boxer:

Thank you for your letter and attached constituent information from *exempt* of Ukiah dated May 18, 2015 to Laura Vaught, Associate Administrator for Congressional and Intergovernmental Relations in EPA HQ. The incoming letter was referred to our San Francisco Regional Office for development of a response.

From our reading of the handwritten information provided as an attachment, *exempt* wrote the following statement. "I have been attempting to restore all rivers and watersheds and have a method of modernizing the EPA and demonstrating how it could create billions of dollars in revenue while preventing forest and wildland fires and restoring and protecting the environment."

EPA thanks *exempt* for his interest in restoring rivers and watersheds, and modernizing the EPA, but without further descriptions or information, we are unable to comment or make suggestions in response to his statement. However, if *exempt* would like to provide additional written details or information for EPA to evaluate, he can direct them to me at the address provided below. Please give me a call at 415.947.4256 if you have any questions or need any additional information to respond to Mr. Smith.

Sincerely,

Brent Maier  
Congressional Liaison

U.S. EPA Region IX  
Office of Public Affairs  
75 Hawthorne St., (OPA-3)  
San Francisco, CA 94105